

## CHAPTER 14

### SUPPLEMENTARY DEVELOPMENT STANDARDS

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#### 14-14-101 PURPOSE

The purpose of this Chapter is to establish miscellaneous land development standards which are generally applicable to more than one zone. The requirements of this Chapter shall be in addition to and in some circumstances may supersede the requirements contained within the provisions of each respective zone and/or other chapters of this Title.

#### 14-14-102 LOT STANDARDS

- A. Newly Created Lots to Conform to Parcel Requirements. Except for more flexible requirements, such as those pertaining to planned developments, every lot or parcel created within the city shall conform to the minimum requirements of this Title regarding width, yard, area, coverage, parking, and frontage upon a dedicated public street or upon an approved private street or right-of-way before a building permit may be issued.
- B. Transfer of Required Yard Space Prohibited. No space needed to meet the width, yard,

area, parking, frontage or other requirements of this Title for a lot, parcel, or building may be transferred, sold, bequeathed or leased apart from such lot, parcel, or building unless other space so complying is provided and approved by the City. No land shall be sold or transferred which will result in a lot or parcel being created for building purposes that does not comply with the provisions of this Ordinance.

- C. Minimum Buildable Area - Any lot or parcel designated or zoned for residential development shall have a rectangular buildable area with a length to width ratio between 2:1 and 1:2, that is located entirely on ground of less than 30% slope, that does not encroach into required setbacks or easements, and that meets the following criteria:

R-4	2,000 sq ft
R-3	3,000 sq ft
RF	6,000 sq ft
All other zones	5,000 sq ft

#### **14-14-103 YARD SPACE FOR ONE BUILDING ONLY**

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot or parcel where on a building is to be erected or established.

#### **14-14-104 FRONT YARD MODIFICATION - DEVELOPED AREAS**

In instances where at least seventy-five (75) percent of the lots within a subdivision and/or at least fifty percent (50%) of the lots along the side of a street have front yard setbacks which are less than that required for the zone in which they are located, the minimum front yard setback requirement for vacant lots shall be equal to the average of the existing front yards. However, in no case shall the front yard setback be less than twenty (20) feet.

#### **14-14-105 COMBINED LOTS - RESTRICTIONS**

A combined lot may be created from two (2) or more contiguous lots or parcels and the side, front, and rear yard requirements of this Ordinance shall apply only to the external boundaries of the combined lot. However, once a combined lot has been created, it shall not be divided except through a new subdivision plat meeting current City ordinance. Prior to receiving a building permit and/or commencing any development activity, the property owner shall record at the Office of the Davis County Recorder a deed restriction memorializing the creation of the combined lot, and shall amend any easements in conflict with the utilization of the combined lot.

Failure to produce or record the required deed restriction shall not void any provision of this ordinance, and no part of this ordinance~~This provision does not shall~~ abrogate any use restriction provided by deed or other written recorded instrument affecting or otherwise restricting the use of the real property in question.

#### **14-14-106 SPECIAL PROVISIONS FOR EXISTING SINGLE AND TWO-FAMILY RESIDENTIAL DWELLINGS**

In order to encourage the revitalization of older homes and neighborhoods within Bountiful City, the following provisions shall apply to single family and two family residential dwellings:

- A. Any dwelling built prior to January 1, 1965, that does not meet the current setback standards may be expanded consistent with the setbacks approved at the time of initial construction, as determined by the location of the original building foundation in relationship to the property lines, with the condition that the new construction shall meet the provisions of the current International Building Code or International Residential Construction Code (IBC/IRCC) and does not violate provisions of this title regarding maximum lot or parcel coverage.
- B. Any dwelling built prior to January 1, 1965, that does not have an attached two (2) car garage, may be allowed the following actions, upon the condition that all new construction shall meet the provisions of the current IBC/IRCC and does not violate provisions regarding maximum lot or parcel coverage:
  - 1. Construct an attached two car garage within five (5) feet of a side property line as long as the opposite side yard is at least eight (8) feet wide. A single story of living space may be constructed directly above and/or below the garage addition, but no additional horizontal living space may encroach into the minimum required side yard setback. Maximum garage width shall not exceed twenty-four (24) feet. This shall not apply to situations where there is sufficient space to construct a two car garage but the home has been, or is proposed to be, modified from its original configuration, thus creating the need for a reduced setback.
  - 2. Attach an existing detached garage to a dwelling without an attached garage. The garage shall be located at least three (3) feet from the nearest side property line and at least twenty (20) feet from the rear property line. No additional living space may be constructed above or beneath the garage unless the new space is setback at least five (5) feet from a side property line and the opposite side yard is at least eight (8) feet wide. The existing garage shall have been constructed prior to the adoption of this section, and the new construction tying the structures together shall meet all of the minimum required yard setbacks.
- C. Any existing dwelling may expand vertically within the original foundation boundaries to the maximum height allowed by this Title or the IBC/IRCC, whichever is more restrictive, unless otherwise limited. All new construction shall meet all provisions of the IBC/IRCC.
- D. The Building Official may require any structural upgrades to an existing building or structure as necessary to accomplish a requested addition or modification. Such upgrades may be required during plan review or during construction if the existing conditions deviate from approved plans.

#### 14-14-107 LOCATION OF TRAILERS, BOATS, ~~AND~~ RECREATIONAL VEHICLES, AND STORAGE CONTAINERS

- A. Any ~~B~~boats, boat trailers, campers, travel trailers, utility trailers, storage container, and/or other similar ~~device~~vehicles may ~~shall~~ not be placed, kept, stored, or maintained on any property in Bountiful City except in accordance with the following:
- B. In a residential zone, no boat trailer, camper, travel trailer, utility trailer, storage container, or other similar device shall be located within ~~at~~the front yard or street side yard of any residential zone except on legally established driveways. ~~Such vehicles~~

~~shall maintain a~~ minimum setback of ten (10) feet from the street property line is required so as to preserve adequate visibility for pedestrian and traffic safety.

C. In a non-residential zone, storage containers shall be located in screened areas that have been designated for storage in an approved site plan.

~~A.D. Furthermore, In any zone, no boat trailer, camper, travel trailer, utility trailer, storage container, or other similar devicesuch use shall not be located in a clear-view areathe clear vision zone of a corner lot or vacant lot~~ as defined in this TitleOrdinance.

#### **14-14-108 USE OF MOBILE HOMES, RECREATIONAL VEHICLES, ~~AND~~ CAMPER TRAILERS, AND STORAGE CONTAINERS**

A. It is unlawful for any person to place, keep, occupy or maintain a mobile home upon any lot or parcel of land within the City except in a mobile home park or mobile home subdivision. Mobile offices that are part of a construction site or development project may be permitted as a temporary use as provided in this Title.

B. It is unlawful for any person to reside in or otherwise utilize a recreational vehicle, camper trailer, or similar device, whether temporarily or permanently, except in an approved recreational vehicle park.

C. ~~It is unlawful to park, place, or otherwise locate a storage container on any fire access lane, public street, public easement, or public right-of-way without the express, written permission of the Bountiful City Public Works Director. The City may abate any unlawful situation without notice and at the expense of the owner of the container.~~

D. ~~A storage container is not allowed in any residential zone, professional office zone, downtown zone, mixed use zone, watershed protection zone, hospital zone, or any other non-commercial zone, except as a temporary use associated with construction, renovation, or moving. In such instances, the storage container shall be located on a concrete or asphalt surface, and shall meet all of the following criteria:~~

1. ~~A storage container shall not be placed on a site more than thirty (30) days prior to the permitted activity~~

2. ~~A storage container shall be removed within thirty (30) days after a permitted activity is substantially completed~~

3. ~~Only one (1) storage container may be located on a lot or parcel except for in a commercial zone.~~

E. ~~A storage container in a commercial zone shall be used in accordance with the following criteria:~~

1. ~~A storage container shall be used solely for the transportation or shipment of goods and products, and~~

2. ~~It is unlawful to use a storage container for business operations, and~~

3. ~~A storage container not being actively used for transportation or shipment shall~~

not be stored within Bountiful City.

F. A storage container shall not be located on any property for more than six (6) months in any twelve (12) month period, measured continuously from the day the container is first placed. The Bountiful City Planning Director may grant extensions of up to six (6) months, but only if he/she determines that:

1. The storage container is located on a site with an active building permit, and
2. The storage container is a necessary part of the construction process, and
3. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

G. It is unlawful to use a storage container as a permanent structure or as an appendage to a permanent structure.

A.H. It is unlawful, in any zone, to vertically stack two (2) or more storage containers or stack/place any other materials or items on top of or around a storage container.

#### **14-14-109 ABANDONED, WRECKED, OR JUNKED VEHICLES**

Definitions: As used in this Chapter: See Chapter 3 of this Title for the following definitions:

“UNREGISTERED VEHICLE” means any motor vehicle not currently registered and licensed in accordance with Utah State law.

“INOPERATIVE VEHICLE” means any motor vehicle that cannot be moved under its own power.

“DISMANTLED VEHICLE” means any motor vehicle partially or wholly disassembled.

“WRECKED VEHICLE” means any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.

“ABANDONED VEHICLE” means any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is “abandoned” includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.

“VEHICLE PART(S)” means any items that can be attached to or included as part of or within any motor vehicle.

A. Unlawful conduct. It is unlawful and a public nuisance for any owner or tenant to cause or permit any unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) to be parked, stored, or remain on any property or premises, unless within an enclosed garage or in connection with a lawfully situated and

licensed business engaged in the repair of motor vehicles. Violations of this section may be prosecuted by criminal prosecution or by abatement provision for public nuisances.

B. Exception Permit.

1. A permit may be granted by the Planning Director for an exception to Section 14-14-109(2B) if the owner of an unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) makes-submits written application to the Bountiful Planning Director providing:
  - a. Proof that the applicant is the owner of the motor vehicle(s);
  - b. Proof that the applicant is the owner of or has permission of the owner of the property upon which the motor vehicle(s) and/or vehicle part(s) will be parked, stored, or remain;
  - c. A description of the condition of the motor vehicle(s), i.e., that the motor vehicle(s) is/are unregistered, inoperative, dismantled, wrecked, and/or abandoned;
2. A description of the plan(s) by which the condition of the motor vehicle(s) will be changed, i.e., the date upon which the vehicle will be registered, repaired, removed from the property, etc.;
3. The address at which the motor vehicle(s) and/or vehicle part(s) will be parked, stored, or remain while its/their condition is being changed;
4. The location upon the property, at the address set forth in condition e3, above, where the motor vehicle(s) and/or vehicle part(s) will be parked, stored, or remain while its/their condition is being changed; and,
5. That a nuisance or health hazard will not be created while the motor vehicle(s) and/or vehicle part(s) are parked, stored, or retained.

C. An exception permit is valid for only one (1) vehicle. Only one (1) permit may be issued per year per property, and for a period not to exceed six (6) months. At the end of the six (6) months~~When the permit expires~~, the vehicle shall either be repaired and lawfully registered or removed from the property along with all vehicle parts.

D. Any vehicle maintained on a property under an exception permit shall be otherwise kept in compliance with all applicable laws, shall not be parked or kept in the public right-of-way or on landscaped areas, shall not constitute a hazard in any way, and shall not constitute a public nuisance. A permit may be revoked by the Planning Director for failure to comply with these terms, and a permit may be denied for failure to comply with these terms for earlier vehicles. The denial or revocation of a permit may be appealed as set forth in the Administration and Procedures chapter of this Title.

E. Penalty. Any violation of this section is hereby declared to be a public nuisance and a class B misdemeanor.

**14-14-110 TRASH, DEBRIS, WEEDS, AND SIMILAR HAZARDS**



- A. No yard or other open space shall be used for the storage of trash, debris, junk, outdoor storage, or abandoned equipment, and no land shall be used for such purposes, except as specifically authorized by and in compliance with the provisions of this Ordinance.
- B. It is unlawful to allow weeds, grass, or similar growth to exceed six (6) inches in height in an irrigated yard or field
- C. It is unlawful and deemed a public safety hazard for a property owner or tenant to cause or allow the following conditions:
  - 1. ~~Allow w~~Weeds, grass, or similar growth to exceed twelve (12) inches in height in a non-irrigated field or yard.
  - 2. ~~The storage or accumulation of~~~~Store or otherwise allow to accumulate~~ flammable materials, yard clippings, tree trimmings, and similar ~~materials-items~~ outside of a structure, except for permanent propane/natural gas tanks meeting the approval of the Fire Marshall, and firewood stacked in accordance with the Fire Code.
  - 3. The existence of a vacant lot, open field, or other undeveloped parcel adjacent to a developed property without a firebreak at least twenty (20) feet wide.
- D. Whenever an “Extreme Conditions” or “Red Flag” warning is issued by the Fire Department or other fire management agency with jurisdiction over lands within the South Davis County Metro area, the City or its agent may abate high risk fire hazards without notice. If a situation abated was also in violation of City ordinances, the City may recuperate full costs, including administrative expenses, through any legal means necessary. A high risk fire hazard shall be:
  - 1. Any item deemed a public safety hazard under this Section.
  - 2. Any vacant lot within a developed subdivision that has non-irrigated weeds, grass, or similar growth higher than six (6) inches, or that does not have a firebreak at least ten (10) feet wide around the perimeter of the property.
  - 4.3. Any item deemed by the City or its agents to be in immediate peril.

#### **14-14-111 REFUSE SITING STANDARDS**

- A. When refuse storage containers are used or otherwise required by this title, the containers shall be of sufficient size and numbers to provide suitable capacity to contain the refuse generated at the site. Containers shall be closed by an attached cover at all times.
- B. All containers shall be kept at a location easily accessible by collection vehicles and refuse producers. Refuse containers shall be kept away from overhead utility lines and structures with projections to facilitate pickup. Container sites shall also comply with the International Fire and International Building Codes.
- C. Outdoor refuse containers, except for individual residential containers, shall be completely encompassed by a solid enclosure that is: architecturally compatible with the

main structure(s), equipped with a solid barrier access gate, and located on a paved surface.

- D. Outdoor refuse containers in industrial or commercial areas located within an area completely encompassed by a site obscuring wall or fence and not visible from the street shall not need a separate barrier enclosure unless it is a specific requirement of conditional use or site plan approval.
- E. In cases where a refuse container enclosure is required, the container shall be enclosed by a six (6) foot high enclosure or solid barrier fence with a minimum gate opening of nine (9) feet wide. The fence or enclosure shall have a minimum clearance of two (2) feet from the refuse container to be stored within it.
- F. No refuse collection areas shall be permitted between the street and the front building line except as shown on an approved site plan. .
- G. Temporary refuse collection containers on construction sites or other related uses shall be exempt from barrier fencing.

#### **14-14-112 HEIGHT LIMITATIONS - EXCEPTIONS**

- A. Where doubt exists as to the height of fences, hedges, buildings, and other items regulated by this Title, height limitations shall be measured from the averaged finished grade of the front yard of a building or from the average finished grade of the yard in which the fence, hedge, or other such item is located.
- B. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, ventilators, fire or parapet walls, flag poles, sky lights, water tanks, silos, cornices without windows, antennas, radio towers, or properly screened mechanical appurtenances usually carried above the roof level of a building unless otherwise stated in this Title; except in no case shall it be lawful to construct, build, or establish a building, tree, smoke stack, chimney, flag pole, wire, tower, or other structures or appurtenances thereto which may constitute a hazard or obstruction to navigation or landing and take-off of aircraft at a publicly used airport. Regulations established by the Federal Aviation Agency shall be considered to be the minimum acceptable standards for facilities in such an area.
- C. A private power plant is not exempt from the height requirements of the Zone in which it is located, and shall be considered an occupied structure for the purposes of calculating height.

#### **14-14-113 ADDITIONAL HEIGHT ALLOWED**

Public and quasi-public buildings, when authorized in a zone, may be erected to a height greater than the required height limit by conditional use permit if it is found that the additional height is necessary for the operation of the facility and if the impact has been reasonably mitigated.

#### **14-14-114 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL ZONES**

No truck, motor vehicle, or commercial trailer having a gross weight of twelve thousand (12,000)



pounds or more shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in any residential zone.

#### **14-14-115 SWIMMING POOLS**

Any swimming pool in a single family residential zone shall be set back at least five (5) feet from any property line and shall have at least five (5) feet of unobstructed area around the entire perimeter. A pool located in any other zone may only be constructed after receiving site plan approval, and the land use authority may require an increased setback depending upon the size and occupancy of the pool. Each pool shall be surrounded by a substantial fence or wall meeting the requirements of the Davis County Health Department and the IBC or IRCC. In addition, any required fence or wall shall be equipped with a self-closing, self-latching device on each gate. Any swimming pool in a multi-family development, motel, or hotel shall require conditional use permit approval in addition to site plan approval

#### **14-14-116 SATELLITE TELEVISION ANTENNAS**

A. Definitions. The following terms shall apply to this Title:

“Commercial Satellite Antenna” means the outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.

“Minor Satellite Antenna” means the outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which is three (3) feet in diameter or less.

“Height of Antenna” means the distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.

B. Permit Required.

1. It shall be unlawful for any individual, firm, partnership, or corporation to install, construct, reconstruct, or materially alter a commercial satellite television antenna without first obtaining a building permit from the City of Bountiful.
2. Application for a building permit for a commercial antenna structure shall be accompanied by construction drawings showing the proposed method of installation, and a plot plan showing the proposed location of the antenna upon the lot or property.

C. Standards for Residential and Institutional Districts.

1. All commercial satellite antennas shall be subject to the following provisions:
  - a. On interior lots, a commercial satellite television antenna:
    - (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.

- (2) Shall be located in the rear or side yard.
- (3) Shall be located no closer to a public street than the main building on a lot or parcel that has a reduced front yard setback.
- (4) Shall be located at least five (5) feet from any rear or side property line.

b. On corner lots, a satellite antenna:

- (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.
- (2) Shall not be permitted within the front yard, or the side yard that fronts upon a public street.
- (3) Shall be located at least five (5) feet from any rear or side property line that is adjacent to the adjoining lot.

D. Standards for Commercial and Industrial Districts. Any commercial satellite antenna installed, located, constructed, reconstructed, or materially altered as provided in this Section, shall be subject to the following provisions:

- 1. The antenna shall not exceed a height of twenty (20) feet if mounted on the ground.
- 2. The antenna shall not be located closer than fifteen (15) feet to any public street.
- 3. The antenna shall not be located closer than ten (10) feet to any residential property line.
- 4. If used for advertising purposes, the antenna shall not be installed on any floor and shall be deemed a sign governed by the sign regulations as provided in this Title.
- 5. If an antenna is proposed to be mounted on the roof of a building the antenna shall:
  - a. Not exceed the height limit established for the zone in which it is located.
  - b. Not be used for any advertising purposes.
  - c. Be screened from public view as per the requirements of this Title.
- 6. If an antenna is proposed to be located in any landscaped area, the antenna shall:
  - a. Be located so as not to create any traffic safety or vision problems.
  - b. Be screened by shrubs and/or other landscaping features.

#### **14-14-117 SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES**

The Planning Commission may permit the use of land in any residential zone for semi-private swimming clubs or recreational facilities provided all of the following are met:

- A. The facilities shall be owned and maintained by members with a minimum of seventy-five percent (75%) of the membership being residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- B. The property or proposed project area shall be of sufficient size to accommodate all proposed facilities and still maintain all of the minimum yard setbacks for a principal structure for the zone in which it is located.
- C. The area to be developed into a recreational area shall be of such size and shape as not to cause undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. The use of the property shall be for private recreational use by members, their families, and guests. Under no condition may any admission fee be charged nor any type of retail or business facility, vending machine, or other commercial use be allowed except as specifically approved by the Planning Commission and listed on the conditional use permit.
- E. Accessory facilities other than standard shower and changing rooms (i.e., clubhouses) shall not be allowed.
- F. Any nighttime indoor or outdoor activity shall conform to the Bountiful City Noise Ordinance. The facility shall close for any activity at 11:00 p.m.
- G. A solid masonry or concrete block wall, or substitute as approved by the Planning Commission, shall be required around the entire recreational area to a height of not less than six (6) feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front yard setback for the zone in which it is located.
- H. At least ten percent (10%) of the site area shall be landscaped, including any front yard, side yard, and at least ten (10) feet depth at side and rear yard lines abutting a residential zone or property. Landscaping of park strips shall be required in addition to the on-site landscaping required.
- I. The facility shall include an on-site parking area, and shall provide on-site parking spaces equal to twenty percent (20%) of the capacity of the proposed recreational facility, as determined by the Fire Marshall and/or Building Official.
- J. Approval of any recreational facility by the Planning Commission under this section shall be by Conditional Use Permit and any and all conditions as required by the Planning Commission must be complied with by the owners of the facility or the approval may be revoked.

## **14-14-118 TELECOMMUNICATIONS TOWER SITES**

A. It is the finding of the City Council that:

1. It is in the best interests of the citizens of the City to have quality cellular wireless telephone service available. This necessarily entails the erection of telecommunications towers within the City limits.
2. It is the right of private enterprise to do business within the City, subject only to reasonable regulation by the City. This includes the telecommunications business.
3. It is in the best interests of the citizens that the telecommunications towers which are constructed are:
  - a. as unobtrusive as possible in their location, size and construction;
  - b. as few in number as possible;
  - c. subject to such reasonable restrictions as may best minimize the impact upon surrounding properties and the City as a whole; and
  - d. not placed in residential areas unless there is no other alternative.
4. It is in the best interests of telecommunications businesses to have access to towers which are of the appropriate height and location to serve their reasonable needs.
5. It is the policy of the City of Bountiful to make available to telecommunications companies such sites as the City owns and which can reasonably serve the needs of the companies, the citizens, and the City.

B. In order to serve current and reasonably foreseeable needs, any site approved by the City, regardless of location, shall be subject to all of the following requirements:

1. The applicant shall consent in the lease to two co-locations (in addition to applicant) on the same tower
2. The tower shall be constructed in such a manner as to accommodate three (3) different services, meaning the original company's equipment and two co-locations on the same tower.

C. Any tower shall be located, designed, and constructed in such a manner that it is:

1. As unobtrusive as possible in its location,
2. Necessary for the telecom system to function properly,
3. subject to such reasonable restrictions as may best minimize the impact upon surrounding properties and the City as a whole, and

4. not placed in residential areas unless there is no other alternative.
- D. When later applications for towers are received, the applicants shall be required to:
1. co-locate on an existing tower, unless it can be shown by a preponderance of the evidence that all existing sites are inadequate to serve that company's reasonable needs due to location, height or other reason, and
  2. pay reasonable compensation to the original tower company to fairly share past and future costs.

#### **14-14-119 SIGHT CLEARANCES ON CORNER LOTS**

~~This section has been moved to, and consolidated with, the provisions for clear-view areas found in Chapter 16 of this Title. It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection:~~

- ~~(a) A solid fence, wall, or other structural screening material greater than two (2) feet in height.~~
- ~~(b) Nonsolid Perforated, open type style fencing, in excess of four (4) feet in height, is less than seventy-five (75) percent open, and presents a visual barrier to adjoining properties and streets.~~
- ~~(c) Shrubs, bushes, plants or plant growth higher than two (2) feet above ground level.~~
- ~~(d) Trees with branches less than seven (7) feet above the ground level sidewalk or eleven (11) feet above the street which overhang or extend into the clear vision area. Canopies must not block signs or signals.~~
- ~~(e) A ground or monument sign, unless specifically permitted by this Title and found by the City Engineer to not be a visual obstruction or safety hazard.~~
- ~~(f) Any other obstruction of any sort which interferes with the safety of pedestrians or traffic.~~

~~No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.~~

#### **14-14-120 RESIDENTIAL FACILITY FOR ELDERLY PERSONS**

- A. A residential facility for elderly persons (as defined by State law) shall be allowed in any zone where residential dwellings are allowed, and by the same approval process.
- B. Only those facilities to which a permit for residential facility for elderly persons has been issued by the City shall qualify as a residential facility for elderly persons.
- C. The City shall not issue a permit for a residential facility for elderly persons unless all of the following requirements have been met:

1. The proposed facility is or will be owned by one (1) of the residents, or by an immediate family member of one of the residents, or by a facility for which the title has been placed in trust for a resident.
  2. The proposed location of the facility is consistent with existing zoning.
  3. The facility will be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
  4. The proposed facility meets all applicable building, safety, zoning and health ordinances which are applicable to similar dwellings.
  5. The proposed facility has adequate off-street parking space.
  6. The proposed facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.
  7. No person being treated for alcoholism or drug abuse will be admitted.
  8. Placement in the proposed facility will be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- D. The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.
- E. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and shall notify the City Planning and Zoning Director within ten (10) calendar days if the facility no longer meets any of the requirements of this section.
- G. A permit for a residential facility for elderly persons is non-transferable and shall terminate if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the provisions of this Title.
- H. Discrimination against elderly persons and against residential facilities for the elderly shall be prohibited.

#### **14-14-121 RESIDENCES FOR PERSONS WITH A DISABILITY**

- A. A residence for persons with a disability (as defined by State law) shall be allowed in any zone where residential dwellings are allowed, and by the same approval process.
- B. Only those facilities to which a Permit for residential facility for persons with a disability has been issued by the City shall qualify as a residential facility for persons with a disability.
- C. In all residential zones, the City shall issue a permit for a residential facility for persons



with a disability if all of the following requirements have been met:

1. The proposed facility is one in which more than one (1) person with a disability will reside.
  2. The proposed facility is licensed or will be licensed as a residential facility for persons with a disability by the Department of Human Services and all other permits and notifications are provided as required by State and Federal Law.
  3. The proposed facility meets all applicable building, safety, and health regulations that are applicable to similar structures.
  4. Any individual occupying the facility must provide a certification of disability.
- D. The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.
- E. Any permit issued by the City shall be conditional upon the applicant obtaining a license from the Department of Human Services for a residential facility for persons with a disability. The permit shall not become effective until the applicant obtains such a license.
- F. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and shall notify the City Planning Director within ten (10) calendar days if the facility no longer meets any of the requirements of this Title.
- G. A permit for a residence for persons with a disability is non-transferable and shall terminate if the structure is devoted to any use other than a residence for persons with a disability or if the structure fails to comply with the provisions of this Title and State law.

#### **14-14-122 TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS**

The Administrative Committee may issue a temporary use permit to allow the placement or use of temporary classroom facilities on private school property. The time limit for the temporary use shall be established at the time of approval. Any permit without an approved time limit or that exceeds the approved limit may be revoked by the City immediately.

#### **14-14-123 FILLING, GRADING, AND EXCAVATING**

No lot or parcel may be filled, excavated, graded, or otherwise disturbed without an excavation or building permit issued by Bountiful City, except for the following:

- A. Soil disturbance that occurs during the natural course of bona\_fide agricultural production
- B. Landscaping that involves the disturbance of a total of ten (10) cubic yards of material or less

#### **14-14-124 ACCESSORY ~~IN-LAW APARTMENT~~ DWELLING UNIT**

- A. ~~An accessory in-law apartment dwelling unit shall~~ may only be approved ~~by the Administrative Committee~~ as a conditional use.

A.B. An accessory ~~in-law apartment~~dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:

1. An accessory ~~dwelling unit~~~~in-law apartment~~ shall be permitted only within a single family residential zone.~~shall be established only within a single-family dwelling and shall require a building permit in accordance with the International Building Code. Accessory in-law apartments shall not be located in a duplex or multiple family dwelling units.~~

2. It is unlawful to allow, construct, or occupy an accessory dwelling unit within a duplex or multi-family residential building.

3. It is unlawful to occupy, or allow to occupy, an accessory dwelling unit without written authorization from the Bountiful City Planning Department.

4. A maximum of one (1) accessory dwelling unit shall be permitted on any lot or parcel.

5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single family dwelling.

4.6. A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.

2.7. Occupancy and use of any accessory ~~in-law apartment~~dwelling unit shall be by members of the immediate family of the principal owner of the dwelling and shall be limited only to legal dependents, children, parents, siblings, grandchildren and grandparents.~~Other relatives or special circumstances may be considered by conditional use permitthe Administrative Committee.~~

3.8. Separate utility service connections shall not be allowed.

Common access between units shall be provided.

4.9. Any property and any structure that contains an accessory dwelling unit shall be designed and maintained in such a manner that it gives the appearance of a single family residential use.~~The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family~~single-family residence.

10. Water and sewer systems shall be adequate to handle the additional unit.~~It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit.~~

5.11. An accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.

~~6.12.~~ Adequate off-street parking shall be provided for both the primary residential use and the accessory ~~dwelling unit, in-law apartment using only existing driveways,~~ and ~~any~~ driveway and parking area shall be in compliance with this Title.

~~The approved conditional use permit and a deed restriction must be filed with the County Recorder. The deed restriction shall include the following:~~

~~A conditional use permit for an accessory in-law apartment was issued to \_\_\_\_\_, the current owner of this property on \_\_\_\_\_ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.~~

#### **14-14-125 PUBLIC UTILITY EASEMENTS ON PRIVATE PROPERTY**

A public utility easement located on private property shall not be used for a private service lateral without the permission of the affected property owner. A private service lateral is any utility connection beyond the trunk line, meter box, transformer, manhole, service riser, or other main transmission line, that serves a single property, residence, or user.

#### **14-14-126 PRIVATE POWER PLANTS**

- A. A "Private Power Plant" is any device or combination of devices not owned and operated by a regulated utility company, which convert mechanical or chemical energy into electricity. A private power plant with a peak power generation capacity of 10 Watts/12v/500mAmp (or equivalent) is exempt from the provisions of this Section. A private power plant, including a windmill or wind turbine, shall not be permitted within Bountiful City limits, with the following exceptions:
1. A back-up power generator running on unleaded gasoline, diesel, natural gas, propane, or hydrogen fuel cell, rated for a single structure or building lot, located in accordance with the requirements of the zone in which it is located.
  2. A photovoltaic cell array or other passive solar energy system located in accordance with the requirements for occupied structures for the zone in which it is located.
- B. With the exception of a back-up power generator, no private power plant may be installed or used on any property unless a conditional use permit has been issued for the specific power generation device.